

REMARKS

The Examiner has required a restriction under 35 U.S.C. § 121 to one of the following inventions:

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| Group I | Claims 7 and 8, drawn to substantially pure polypeptides, classified in class 530, subclass 350. |
| Group II | Claims 11-15, drawn to substantially pure nucleic acid molecules encoding functionally equivalent P-II gene products, classified in class 536, subclass 23.6. |
| Group III | Claims 16-18, drawn to a transgenic plant containing a transgene comprising a gene of interest operably associated with a P-II promoter, classified in class 435, subclass 468. |

The Examiner contends that the inventions of the above Groups are distinct, each from the other.

In response to the Restriction Requirement, Applicants elect to pursue the subject matter of the claims of Group I, claims 7 and 8, drawn to substantially pure polypeptides, classified in class 530, subclass 350.

The specification has been amended to correct several typographical and minor editorial errors. The specification also has been amended to incorporate sequence identification numbers of the various nucleotide and amino acid sequences disclosed by the present application. The amendments add no new matter.

Claims 11-18 have been canceled in response to the restriction requirement without prejudice to Applicants' right to pursue the cancelled subject matter in other applications. Claims 7 and 8 have been amended to recite sequence identification numbers corresponding to the P-II amino acid sequences from *Arabidopsis* and *Racinus*. Claims 19-28 have been added to more particularly point out and distinctly claim that which Applicants regard as the invention. No new matter is added. Support for the subject matter of the new claims can be found in the specification, and is exemplified in the following table:

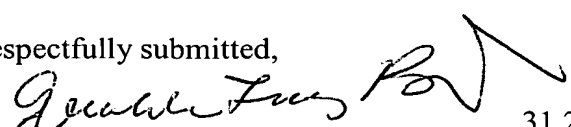
Claim	Support
7, 8	p.8, ll. 7-24 (see amended ¶ above at p. 8 of specification)
19	p. 14, l. 10 through p. 15, l. 32
20	p. 22, ll. 10-20; p. 12, ll. 3-14
21	p. 21, ll. 14-19
22	p. 19, ll. 10-14, p. 21, ll. 14-16, p. 14, ll. 10-21, p. 13, 27-29
23, 24	p. 19, ll. 10-12, p.25, ll. 5-17, p. 36, ll. 2-9
25, 26	p. 19, ll. 14-32, p. 12 ll. 15-24, p. 33, ll. 4-7, p. 33, l. 29 through p. 34, l. 2.
27	p. 18, ll. 26-30, p. 31, l. 24 through p. 32, l. 29, p. 12 ll. 3-8
28	p.23, ll. 12-15, p. 31, l. 24 through p. 32, l. 20
29	p. 32, ll. 21-29

Applicants respectfully request entry of the amendments and remarks made herein into the file history of the present application. After entry of the amendments made herein, claims 7, 8, and 19-28 will be pending in the present application.

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the present application. Please charge any required fees for filing this response and amendment to Jones Day Deposit Account No. 503013.

Date: April 12, 2004

Respectfully submitted,


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Enclosures